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                  UNITED STATES DISTRICT COURT
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                CENTRAL DISTRICT OF CALIFORNIA
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                          WESTERN DIVISION
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   WAYNE D. WINCHESTER,
                                     No. CV 11-01639-AHM (VBK)
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                   Petitioner,
                                      ORDER ACCEPTING FINDINGS AND
                                      RECOMMENDATIONS OF UNITED STATES
13
                                      MAGISTRATE JUDGE
        v.
14
   PEOPLE OF THE STATE OF
   CALIFORNIA,
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                   Respondent.
                                   )
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        Pursuant to 28 U.S.C. §636, the Court has reviewed the Petition
   for Writ of Habeas Corpus ("Petition"), the records and files herein,
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   and the Report and Recommendation of the United States Magistrate
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   Judge ("Report"). Further, the Court has engaged in de novo review of
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   those portions of the Report to which Petitioner has objected.
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IT IS ORDERED that: (1) the Court accepts the findings and recommendations of the Magistrate Judge, and (2) the Court declines to issue a Certificate of Appealability ("COA").1

DATED: December 14, 2011

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A. HOWARD MATZ

SENIOR UNITED STATES DISTRICT JUDGE

Under 28 U.S.C. §2253(c)(2), a COA may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." The Supreme Court has held that, to obtain a Certificate of Appealability under §2253(c), a habeas petitioner must show that "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were 'adequate to deserve encouragement to proceed further'." Slack v. McDaniel, 529 U.S. 473, 483-84, 120 S.Ct. 1595 (2000)(internal quotation marks omitted); see also Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S.Ct. 1029 (2003). After review of Petitioner's contentions herein, this Court concludes that Petitioner has not made a substantial showing of the denial of a constitutional right, as is required to support the issuance of a COA.